

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIN YU XIAO, : 07 Civ. 9430 (RWS) (DFE)
: Plaintiff, :
: - against - :
: LUCKY CHATHAM REALTY CORP. and :
: RICHARD T. WONG, :
: Defendants. :
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**STIPULATION AND ORDER
OF DISMISSAL PURSUANT
TO FED. R. CIV. PRO. 41(a)(1)(ii)**

IT IS HEREBY STIPULATED AND AGREED pursuant to Fed. R. Civ. Pro.

41(a)(1)(A)(ii) by and between the attorneys for the parties that:

1. Plaintiff's claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (First, Second, Seventh and Eighth Causes of Action) are hereby dismissed in their entirety, with prejudice and without costs and/or attorneys' fees to any party as against any other party.
2. Plaintiff's claims under 12 NYCRR § 142.2-2.4 for "spread of hours" pay (Fifth and Sixth Causes of Action) are hereby dismissed in their entirety, with prejudice and without costs and/or attorneys' fees to any party as against any other party.
3. Plaintiff's Third and Fourth Causes of Action under the New York Labor Law and/or New York Minimum Wage Act are hereby dismissed without prejudice.
4. This Clerk of the Court is hereby directed to dismiss this action on terms consistent with this stipulation and order.

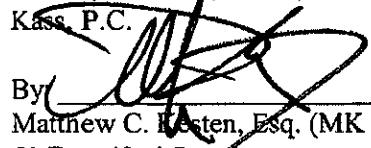
Dated: New York, New York
August 13, 2008



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Attorneys for Defendants

SO ORDERED:

Robert W. Sweet, U.S.D.J.

August __, 2008